



11-08-05

DAC/tra

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

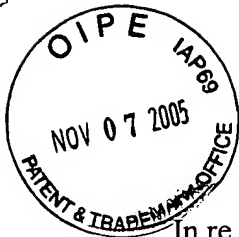
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/730,502	
	Filing Date	12-8-2003	
	First Named Inventor	Brownlie	
	Art Unit	3644	
	Examiner Name	E.A. Shaw	
Total Number of Pages in This Submission	4	Attorney Docket Number	RBR0-1-CIP

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks Petition to Withdraw Holding of Abandonment PTO error	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Brown & Michaels	
Signature		
Date		

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Pamela Knapp		
Signature	Pamela Knapp	Date	11-7-05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

November 7, 2005

In re Application of: Brownlie, Alan W.
Serial No. 10/730,502
Filed: 12/08/2003
For: **INTERFACE PADS WITH ADJUSTABLE VALVES**
Examiner: Elizabeth Anne Shaw
Art Unit: 3644
Attorney Docket Number: RBRO-1-CIP

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
UNDER 37 CFR § 1.181**

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER OF
PATENTS AND TRADEMARKS
Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

1. Applicant petitions for withdrawal of the holding of abandonment and for the revival of the above-identified application.

2. Nature of the abandonment

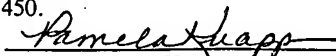
(Check the appropriate box and complete)

☒ In an office communication from the PTO dated 12 August 2005 the undersigned has noted that the above-identified application is being forwarded to the Abandoned Files

CERTIFICATE OF EXPRESS MAILING

EXPRESS MAIL NO: EV089884588US DATE: 11-7-05

I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail with return receipt requested to Addressee service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Pamela Knapp

because applicant's response to the Official Action mailed 17 November 2004 has not been received within the statutory period or any extension requested therefor.

☐ The undersigned has reviewed his records and noted that the response to the Official Action mailed _____ was not timely filed within the statutory period or any extension requested thereof.

3. Response filed

The proposed response to the Official Action mailed 17 November 2004

☒ has been filed on 16 February 2005.

☐ is enclosed herewith.

4. Terminal disclaimer

Note: The terminal disclaimer is required only then a grantable petition based on unavoidable delay is not filed within six months of the date of abandonment. 37 CFR 1.137(a) and (b).

Abandonment took place on the following date: 12 August 2005 and:

☒ Since this petition is within six months of that date no additional terminal disclaimer (other than the one filed with the above-mentioned response) is required.

☐ A terminal disclaimer equivalent to the period of abandonment of the application until the date of this petition is attached.

5. The delay in the response filing was not due to error by applicant, but by error at the Patent and Trademark Office. The response and required Terminal Disclaimer were timely filed (on 16 February 2005). However, applicant's attorney has learned that said response was not matched to this case until after the Notice of Abandonment was filed. (The fee for the Terminal Disclaimer was deducted from Deposit Account 02-0910 on 8 September 2005). Applicant's attorney was unaware of the problem until the Notice of Abandonment was received

This application is on behalf of

☒ small business entity

☐ verified statement already filed on _____

☐ verified statement attached.

☐ other than a small business entity.

6. Fee payment

☒ No fee is due since this is a Patent Office error.

☐ Please charge an additional fee required to Deposit Account 02-0910. A duplicate of the petition is attached.

☐ A check in the sum of \$ _____ is attached

☒ Charge Account 02-0910 for any additional fee required.

Respectfully Submitted:

Alan W. Brownlie

By: Steven R. Scott

Steven R. Scott, Reg. No. 32,000

Attorney for Applicant

BROWN & MICHAELS, P.C.

400 M & T Bank Building

118 North Tioga St.,

Ithaca, NY 14850

(607) 256-2000 (607) 256-3628 (fax)

Date: 11/7/05